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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/636,696	08/11/2000	Van Daele Stephen Mabrito	162-002	8123

7590

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EXAMINER
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OUELLETTE, JONATHAN P

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 11/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/636,696

Applicant(s)

MABRITO, VAN DAELE STEPHEN

Examiner

Jonathan Ouellette

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Amendment*

1. Claim 2 has been cancelled, and Claim 17 has been added; therefore, Claims 1 and 3-17 are currently pending in application 09/636,696.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1, 3, 4, and 11-13 are rejected under 35 U.S.C. 102(e) as being anticipated by McMahon et al. (US 2001/0034726 A1).**
4. As per independent Claims 1 and 11, McMahon discloses a computerized quotation system (method) comprising at least one first portion which has equipment information; and a second portion which selectively copies at least some of the contained equipment information and which uses some of the copied information to provide a quotation (Figs.1-4b); wherein each of said at least one first portion is an information template for a unique user selected piece of equipment comprising a plurality of selectable required component fields and at least one selectable optional component fields; and wherein said

second portion includes at least one separately delineated entry of copied information for each user selected piece of equipment (Abstract, Figs.1-4b). (Abstract, Figs.1-15, Para 0008-0010, Para 0013, Para 0041-0042, Para 0053-0054, Para 0058, Para 0063, Para 0066-0075, Clms. 1-7)

5. As per Claim 3, McMahon discloses wherein said second portion comprises inputtable dealer information (Abstract, Figs.1-4b).
6. As per Claim 4, McMahon discloses wherein said information template comprises inputtable information for a certain product, which is provided in a row and column format (Abstract, Figs.1-4b).
7. As per Claim 12, McMahon discloses wherein said information in said database is stored in a computer system (Abstract, Figs.1-15, Para 0008-0010, Para 0013, Para 0041-0042, Para 0053-0054, Para 0058, Para 0063, Para 0066-0075, Clms. 1-7).
8. As per Claim 13, McMahon discloses saving said quotation; putting said quotation on hold; adding additional equipment to said quotation; printing said quotation; and clearing said information from said quotation template (Abstract, Figs.1-15, Para 0008-0010, Para 0013, Para 0041-0042, Para 0053-0054, Para 0058, Para 0063, Para 0066-0075, Clms. 1-7).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention

was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**10. Claims 6, 7, 9, 10, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over McMahon.**

11. As per Claim 6, McMahon discloses wherein said information template is depicted as separate selectable sections, said separate selectable sections comprising the following: a description of the features of said certain product; said information for required products; said information for attachments to said required products; said information for field conversion attachments to said requires products; and a totals box (Abstract, Figs.1-15, Para 0008-0010, Para 0013, Para 0041-0042, Para 0053-0054, Para 0058, Para 0063, Para 0066-0075, Clms. 1-7).

12. McMahon fails to expressly disclose a salesman miscellaneous detail box.

13. However official notice is given that such information boxes were commonly used on quotations forms at the time the invention was made.

14. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included salesman miscellaneous detail box, in the system disclosed by McMahon, for the advantage of providing a computerized quotation system (method), with the ability to increase salesman usability/organization by segmenting a space for sales notes and miscellaneous details regarding the quote.

15. As per Claim 7, McMahon discloses wherein said totals box comprises the following: a total list price for said selected sections (Abstract, Figs.1-15, Para 0008-0010, Para 0013, Para 0041-0042, Para 0053-0054, Para 0058, Para 0063, Para 0066-0075, Clms. 1-7).

16. McMahon fail to expressly disclose a first manufacturer's discount value for said total list price; a subtotal which is said total list price minus said first manufacturer's discount; a setup cost total for said selected sections which is a setup labor rate multiplied by an amount of total setup hours; a freight cost total for said selected sections; a dealer's discount value; a second manufacturer's discount value of an overall cost; and a total amount which is the sum of said subtotal, said setup cost, and said freight cost, minus said dealer's discount and said second manufacturer's discount.
17. However, official notice is given that such data and data calculations were commonly used in quotation forms and sales exchanges at the time the invention was made.
18. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a first manufacturer's discount value for said total list price; a subtotal which is said total list price minus said first manufacturer's discount; a setup cost total for said selected sections which is a setup labor rate multiplied by an amount of total setup hours; a freight cost total for said selected sections; a dealer's discount value; a second manufacturer's discount value of an overall cost; and a total amount which is the sum of said subtotal, said setup cost, and said freight cost, minus said dealer's discount and said second manufacturer's discount, in the system disclosed by McMahon, for the advantage of providing a computerized quotation system (method), with the ability increase cost understanding/justification of the customer by offering a detailed cost breakdown.
19. As per Claim 9, McMahon discloses wherein said second portion comprises a quotation template (Abstract, Figs.1-4b).

20. As per Claim 10, McMahon discloses wherein said quotation template displays an inputtable customer description block and a summary of said at least one first portion, said display comprises the following: said description of the features of said certain product; said information for required products; said information for attachments; said information for field conversion attachments; a total price ((Abstract, Figs. 1-15, Para 0008-0010, Para 0013, Para 0041-0042, Para 0053-0054, Para 0058, Para 0063, Para 0066-0075, Clms. 1-7).
21. McMahon fails to disclose a trade-in amount; and a grand total amount, which is, said total price minus said trade-in amount.
22. However, official notice is given that such data and data calculations were commonly used in quotation forms and sales exchanges at the time the invention was made.
23. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a trade-in amount; and a grand total amount which is said total price minus said trade-in amount, in the system disclosed by McMahon, for the advantage of providing a computerized quotation system (method), with the ability increase cost understanding/justification of the customer by offering a detailed cost breakdown.
24. As per Claim 17, McMahon fails to expressly disclose wherein said quotation is provided only if a certain predefined number of said required components are selected for said unique piece of equipment.
25. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a quotation only if a certain predefined number of

said required components are selected for said unique piece of equipment, in order to assure that the user is correctly filling out the quotation template and to also ensure that the system provides the most accurate quote possible.

**26. Claims 5, 8, 14-16 are rejected under 35 U.S.C. 103 as being unpatentable over McMahon.**

27. As per Claim 5, McMahon does not expressly show wherein said information comprises the following: an attachment identifier code; a brief description of said certain product; a quantity of said certain product; a list price for said certain product; a subtotal list amount which is equal to said list price multiplied by said quantity; a number of setup hours for said certain product; a shipping weight of said certain product in pounds; a weight of said certain product in kilograms; a code for said certain product; a first reference code for said certain product; and a second reference code for said certain product.

28. However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The computerized quotation system (method) would be performed regardless of what information was inputtable into the template. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

29. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have inputted an attachment identifier code; a brief description of said certain product; a quantity of said certain product; a list price for said certain product; a subtotal list amount which is equal to said list price multiplied by said



quantity; a number of setup hours for said certain product; a shipping weight of said certain product in pounds; a weight of said certain product in kilograms; a code for said certain product; a first reference code for said certain product; or a second reference code for said certain product – into the template, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

30. As per Claim 8, McMahon does not expressly show wherein said salesman miscellaneous detail box comprises the following: a marginal value; a total base cost amount for said selected sections; said setup labor rate; said total setup hours; a materials/miscellaneous percentage amount; a materials/miscellaneous amount; a net cost amount; and said total list price for said selected sections.

31. However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The computerized quotation system (method) would be performed regardless of what information the salesman miscellaneous detail box contained. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

32. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have inputted a marginal value; a total base cost amount for said selected sections; said setup labor rate; said total setup hours; a materials/miscellaneous percentage amount; a materials/miscellaneous amount; a net cost amount; or said total list

price for said selected sections – into the salesman miscellaneous detail box, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

33. As per Claims 14-16, McMahon does not expressly show wherein said information is manually inputted by a user, downloaded off a compact disc, or downloaded off the Internet.
34. However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The computerized quotation system (method) would be performed regardless of where/how the information was obtained. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).
35. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have obtained information by manual input by a user, downloaded it off a compact disc, or downloaded it off the Internet, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

#### ***Response to Arguments***

36. Applicant's arguments filed 8/18/03, with respect to Claims 1 and 3-16, have been considered but are moot in view of the new ground(s) of rejection.

37. Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

38. A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

#### ***Conclusion***

39. Additional Non-Patent Literature has been referenced on the attached PTO-892 form, and

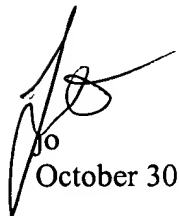
the Examiner suggests the applicant review these documents before submitting any amendments.

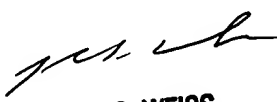
40. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jonathan Ouellette whose telephone number is (703) 605-0662. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.

41. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone numbers for the organization where this application or proceeding is assigned (703) 872-9306 for all official communications.

42. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5484.

  
October 30, 2003

  
JOHN G. WEISS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600